

REMARKS

Reconsideration is respectfully requested. Claims 1-4 are present in the application. No amendments are made.

Claims 1 and 3 are rejected under 35 U.S.C. §102(b) as allegedly being unpatentable over Sawada (JP2003-212700). Applicants respectfully traverse.

Sawada is not prior art under 35 U.S.C. §102(b). 35 U.S.C. §102(b) recites:

A person shall be entitled to a patent unless -

. . .

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or

. . .

Sawada JP2003-212700 was published July 30, 2003. The present application is a national phase entry application of a PCT application filed July 21, 2004. Accordingly, Sawada JP2003-212700 is not published more than one year prior to the date of application of the present application. Accordingly, Sawada JP2003-212700 is not prior art under 35 U.S.C. §102(b) and therefore cannot sustain a rejection of the present claims.

Claims 1 and 3 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Sawada (JP2003-212700) in view

of Coleman Powermate Pulse II generator. Applicants respectfully traverse.

As noted above, Sawada JP2003-212700 does not qualify as prior art and accordingly is not available to support the rejection. That leaves the Coleman rejection, which is insufficient to make the claims unpatentable under 35 U.S.C. §103(a).

Claims 1 and 3 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Sawada (JP2003-212700) in view of Sawada US20060144319 further in view of Coleman Powermate Pulse II generator. Applicants respectfully traverse.

As noted above, Sawada JP2003-212700 does not qualify as prior art and accordingly is not available to support the rejection. Sawada US20060144319 does not qualify as prior art. The filing date of Sawada US20060144319 is July 28, 2005, for the purposes of use as a reference date. That date is after the PCT international filing date of the present application of July 21, 2004. Accordingly, Sawada US20060144319 does not qualify as prior art. Since neither of Sawada JP2003-212700 and Sawada US20060144319 is prior art, that leaves the Coleman rejection, which is insufficient to make the claims unpatentable.

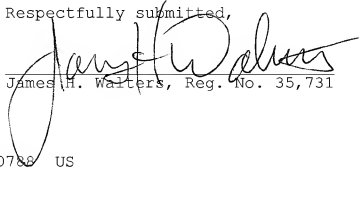
In view of the above, claims 1 and 3 are submitted to be allowable.

Claims 2 and 4 are not specifically rejected. Since no rejection for these claims is given, claims 2 and 4 are presumed to be allowed.

In light of the above noted remarks, this application is believed in condition for allowance and notice thereof is respectfully solicited. The Examiner is asked to contact applicants' attorney at 503-224-0115 if there are any questions.

It is believed that no further fees are due with this filing in that the required fees are being submitted herewith. However, if additional fees are required to keep the application pending, please charge deposit account 503036. If fee refund is owed, please refund to deposit account 503036.

Respectfully submitted,

  
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